

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
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CHAPTER 326

HOUSE BILL 2140

AN ACT

ESTABLISHING THE PHYSICAL EDUCATION PILOT PROGRAM; MAKING AN APPROPRIATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Physical education pilot program; requirements

3 A. The department of education shall establish a two-year physical
4 education pilot program consisting of at least the following schools:

5 1. One school from a county with a population of more than six hundred
6 thousand persons.

7 2. One school from a county with a population of six hundred thousand
8 persons or less.

9 3. One school that has a high percentage of students in poverty.

10 B. The department of education shall establish application procedures
11 and additional selection criteria for school district schools or charter
12 schools that wish to apply for participation in the program. Grant
13 applications shall contain a detailed analysis clearly indicating what is
14 necessary for the school to participate in the program and how the money will
15 be used to meet the necessary requirements of the program for two years. The
16 department of education shall award grants from monies appropriated for this
17 purpose to school district schools or charter schools that are selected to
18 participate in the pilot program. School district schools or charter schools
19 that are selected to participate in the pilot program shall include a
20 curriculum with the following components:

21 1. Structured physical education totaling at least one hundred fifty
22 minutes per week.

23 2. A structure for each physical education class that follows the
24 centers for disease control guidelines that recommend moderate to vigorous
25 physical activity for fifty per cent of classroom time.

26 3. At least one certified physical education teacher for every five
27 hundred pupils.

28 4. An annual assessment that provides an evaluation of the pilot
29 program participants' improvement in the current year compared to the
30 previous year.

31 5. A person who is responsible for the pilot program oversight at the
32 school district level or at the school site level and who serves as the
33 contact person for reporting and monitoring by the department of education.

34 C. Schools selected to participate in the pilot program shall ensure
35 that every pupil who is enrolled in grades one through twelve participates in
36 physical education, including pupils in special education programs unless the
37 pupil's individualized education plan provides otherwise. Pupils shall
38 participate in physical education for at least one hundred fifty minutes
39 during each school week beginning in fiscal year 2006-2007 through fiscal
40 year 2007-2008. The physical education required in this section may consist
41 of a combination of physical education programs and additional physical
42 activities, including healthy schools programs that are integrated into
43 existing curricula. For the purposes of this subsection, "healthy schools
44 programs" means both:

1 1. Physical activity such as bodily movement of any type, including
2 activity breaks in between subject matter breaks or after sixty minutes of
3 instruction and motivation of pupils during lunch and recess periods and
4 throughout the school day.

5 2. Additional physical activities such as physical activities that
6 include healthy schools and wellness programs and that are integrated into
7 existing curricula.

8 D. School districts that participate in the pilot program shall
9 annually report to the department the following information about the pilot
10 program:

11 1. The annual cost of the pilot program and budgeted expenditures.

12 2. The participation level of pupils, including the number of pupils
13 who were exempted from the pilot program, the reasons for the exemptions and
14 the actual amount of physical activity.

15 3. The performance indicators adopted by the school.

16 4. The manner in which the school met the time and integration
17 requirements in relationship to the regular adopted curriculum.

18 5. An assessment of the community acceptance of the pilot program.

19 E. The department of education shall use the data provided by schools
20 that participate in the pilot program and submit a report on or before
21 December 15, 2008 to the governor, the president of the senate and the
22 speaker of the house of representatives that summarizes the effectiveness and
23 costs to the schools of the physical education pilot program required by this
24 section. The department of education shall provide a copy of this report to
25 the secretary of state and the director of the Arizona state library,
26 archives and public records.

27 Sec. 2. Appropriation; department of education; exemption

28 A. The sum of \$600,000 is appropriated from the state general fund in
29 fiscal year 2006-2007 to the department of education for grants to be
30 distributed to schools that are selected to participate in the physical
31 education pilot program established by this act.

32 B. Of the monies appropriated pursuant to subsection A of this
33 section, the department of education may use up to \$25,000 to provide
34 technical assistance to schools that request assistance with applications for
35 the grants distributed pursuant to this act.

36 C. The appropriation made in subsection A of this section is exempt
37 from the provisions of section 35-190, Arizona Revised Statutes, relating to
38 lapsing of appropriations until June 30, 2008.

39 D. The department of education shall request a separate line item
40 appropriation for fiscal year 2007-2008 to fund the pilot program.

41 Sec. 3. Delayed repeal

42 This act is repealed from and after September 30, 2011.

APPROVED BY THE GOVERNOR JUNE 21, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2006.